

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JASON WILLIAM SANDBERG,

Plaintiff,

v.

SUPERINTENDENT RON VAN
BOENING, *et al.*,

Defendants.

CASE NO. C09-5347RJB/JRC

ORDER DENYING MOOT OR
IMPROPERLY FILED MOTIONS

This 42 U.S.C. §1983 Civil Rights matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge's Rules MJR 1, MJR 3, and MJR 4. The action is currently stayed until such time as this court files a Report and Recommendation on defendant's motion to dismiss (Dkt. # 61). Before the court is an untimely motion for reconsideration of a motion denying further discovery (Dkt. # 70), and a motion to stay the action pending appeal (Dkt. # 71).

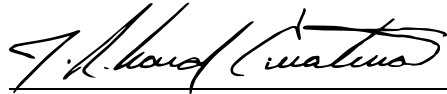
The court entered an order staying discovery on July 8, 2010 because the defense of qualified immunity has been raised in this case (Dkt. # 64). Plaintiff had until July 21, 2010 to file a motion for reconsideration. Local Rule 7 (h) gives ten judicial days to file a motion for

1 reconsideration. The motion for reconsideration was filed after an appeal was taken and after the
2 ten-day time frame for a motion for reconsideration. Therefore, the motion will not be
3 considered by the court.

4 Also filed after the appeal was taken was a motion to stay the action (Dkt. # 71). The
5 appeal divested the court of jurisdiction to enter an order. The motion to stay is now moot as the
6 appeal has been dismissed. The stay entered on September 7, 2010 remains in effect.

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8 The clerk is directed to remove Dkts. # 70 and 71 from the court's calendar.

9 DATED this 8th day of September 2010.

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12 J. Richard Creatura
13 United States Magistrate Judge
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